

REMARKS

The interview with examiner Chin-Shue on August 31, 2004 is acknowledged with appreciation. The examiner's summary of the interview appears to be an accurate summary of what transpired.

Claims 11, 17 and 21 were indicated as allowable and objected to for being in dependent form. These claims have been amended to be in independent form.

Four independent claims remain (Nos. 1, 7, 15 and 23).

Claim 7 is directed to a ladder comprising a first leg unit and a second leg unit, the first and second leg units being arranged to move relative to one another between folded and unfolded positions, a leg spreader and a leg brace comprising a first cable having each of its ends coupled to one of the legs of the first leg unit and a second cable having each of its ends coupled to one of the legs of the second leg unit with the cables coupled to one another so that they become taut and bias the leg units toward one another to stiffen the frame in response to spreading of the leg units away from one another to the unfolded position by the leg spreader. In Pollock (U.S. Patent Publication No. 2003/0132058) leg units are shown, but the cables are each attached to both leg units, there is no teaching or suggestion of a first cable having each of its ends coupled to one of the legs of the first leg unit and a second cable having each of its ends coupled to one of the legs of the second leg unit. This feature is also not taught in any of the other prior art of record. Accordingly, claim 7 and dependent claims 8-10, 12-14 and 25 avoid the prior art of record. New claim 25 depends from claim 7 and states that the cables are flexible and include metal strands. The examiner's attention is directed to page 4, lines 15-17 of the specification for this aspect. None of the prior art of record taken alone or in combination teach or suggest the features of dependent claims 8-10, 12-14 and 25.

Claim 1 recites a ladder comprising a foldable frame, means for spreading the leg units and means for biasing the leg units. The means for spreading and means for biasing are presented in 35 USC 112, sixth paragraph format. As such they are required to be construed to cover the corresponding structure, material or acts described in the specification and equivalents thereof. As described above with respect to claim 7, the prior art does not teach or suggest a means for biasing including cables each attached to a separate leg unit. Such structure is different from the prior art and functions differently to provide different rigidity in the unfolded position than any of the prior art references of record. For at least this reason, claim 1 and dependent claims 2-6 and 24 avoid rejection over the prior art of record.

Independent claim 23 also recites a means for biasing the leg units and, as explained with respect to claim 1, such is not taught or suggested by the prior art. Claim 23 is allowable for at least this reason.

Claim 15 includes a combination of elements including an X-shaped leg brace including a cable joined at it apex. In Pollock there is no X-shaped leg brace including a cable joined at it apex as recited in applicant's claim 15. Claims 16, 18 and 26 recite additional features also not taught or suggested by the prior art of record.

Claims 6 and 14 were rejected as anticipated by Weaver (U.S. Patent No. 2,172,860). Claims 6 and 14 depend from claims 1 and 7, respectively and are allowable at least for the reasons noted above with respect to Pollock and further because Weaver does not teach or suggest the means for biasing of claim 1 or the leg brace as recited in claim 7.

Claim 19-20 and 22 are canceled without prejudice or disclaimer of the subject matter therein.

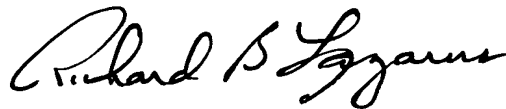
For all of the above reasons, the present claims are in condition for allowance and such is, respectfully, requested.

If anything further is needed to advance the prosecution of this application, the examiner is requested to telephone the undersigned so that such can be promptly provided.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and that shortages in fees, if any, be charged, or any overpayment in fees credited, to the Account of Barnes & Thornburg, Deposit Account No. 02-1010 (3177-72807).

Respectfully submitted,

BARNES & THORNBURG



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